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Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,) 2:18-mj-347-PAL

Plaintiff,

vs

VLADIMIR ALEXANDER AYALA-
MELARA,

MELARA,

Defendant.

STIPULATION TO CONTINUE PRELIMINARY HEARING

IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and Thomas A. Ericsson, Esq., counsel for Defendant VLADIMIR ALEXANDER AYALA-MELARA, that the preliminary hearing for the above-captioned matter, currently scheduled for October 15, 2018, at the hour of 4:00 p.m., be vacated and continued to a date and time convenient for this Court, but in no event earlier than ninety (90) days.

This stipulation is entered for the following reasons:

1. The Government has made an early production of discovery to the Defendant in an effort to reach a pre-indictment plea agreement, and counsel for the Defendant needs additional time to discuss it with the Defendant.

2. The parties are researching the viability of entering into a plea agreement considering the existence of a much larger investigation. Said plea agreement would obviate the need for either a preliminary hearing in this matter or for the Government to present this matter to a federal grand jury. Counsel for the Defendant will need additional time to discuss the Defendant's options with him.

3. The Defendant is in custody, but he does not object to the continuance.

4. Denial of this request for continuance of the preliminary hearing would potentially prejudice both the Defendant and the Government and unnecessarily consume this Court's valuable resources, taking into account the exercise of due diligence.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested by this stipulation is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

7. This is the sixth request for a continuance of the preliminary hearing herein.

DATED: October 12, 2018.

/s/
PHILLIP N. SMITH, JR.
Assistant United States Attorney
Counsel for the United States

/s/
THOMAS A. ERICSSON, ESQ.
Counsel for the Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter, currently scheduled for October 15, 2018, at the hour of 4:00 p.m., be vacated and continued to January 15, 2019 at the hour of 4:15 p.m.

IT IS FURTHER ORDERED that no further extensions will be allowed.

UNITED STATES MAGISTRATE JUDGE

Dated: October 15, 2018